

106TH CONGRESS  
1ST SESSION

# S. 323

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IN THE HOUSE OF REPRESENTATIVES

JULY 12, 1999

Referred to the Committee on Resources

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## AN ACT

To redesignate the Black Canyon of the Gunnison National Monument as a national park and establish the Gunnison Gorge National Conservation Area, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Black Canyon of the  
5       Gunnison National Park and Gunnison Gorge National  
6       Conservation Area Act of 1999”.

1 **SEC. 2. FINDINGS.**

2 Congress finds that—

3 (1) Black Canyon of the Gunnison National  
4 Monument was established for the preservation of its  
5 spectacular gorges and additional features of scenic,  
6 scientific, and educational interest;

7 (2) the Black Canyon of the Gunnison and ad-  
8 jacent upland include a variety of unique ecological,  
9 geological, scenic, historical, and wildlife components  
10 enhanced by the serenity and rural western setting  
11 of the area;

12 (3) the Black Canyon of the Gunnison and ad-  
13 jacent land provide extensive opportunities for edu-  
14 cational and recreational activities, and are publicly  
15 used for hiking, camping, and fishing, and for wil-  
16 derness value, including solitude;

17 (4) adjacent public land downstream of the  
18 Black Canyon of the Gunnison National Monument  
19 has wilderness value and offers unique geological,  
20 paleontological, scientific, educational, and rec-  
21 reational resources;

22 (5) public land adjacent to the Black Canyon of  
23 the Gunnison National Monument contributes to the  
24 protection of the wildlife, viewshed, and scenic quali-  
25 ties of the Black Canyon;

1           (6) some private land adjacent to the Black  
2           Canyon of the Gunnison National Monument has ex-  
3           ceptional natural and scenic value that would be  
4           threatened by future development pressures;

5           (7) the benefits of designating public and pri-  
6           vate land surrounding the national monument as a  
7           national park include greater long-term protection of  
8           the resources and expanded visitor use opportunities;  
9           and

10          (8) land in and adjacent to the Black Canyon  
11          of the Gunnison Gorge is—

12                (A) recognized for offering exceptional  
13                multiple use opportunities;

14                (B) recognized for offering natural, cul-  
15                tural, scenic, wilderness, and recreational re-  
16                sources; and

17                (C) worthy of additional protection as a  
18                national conservation area, and with respect to  
19                the Gunnison Gorge itself, as a component of  
20                the national wilderness system.

21 **SEC. 3. DEFINITIONS.**

22       In this Act:

23                (1) CONSERVATION AREA.—The term “Con-  
24                servation Area” means the Gunnison Gorge National  
25                Conservation Area, consisting of approximately

1       57,725 acres surrounding the Gunnison Gorge as  
2       depicted on the Map.

3           (2) MAP.—The term “Map” means the map en-  
4       titled “Black Canyon of the Gunnison National Park  
5       and Gunnison Gorge NCA—1/22/99”. The map  
6       shall be on file and available for public inspection in  
7       the offices of the Department of the Interior.

8           (3) PARK.—The term “Park” means the Black  
9       Canyon of the Gunnison National Park established  
10      under section 4 and depicted on the Map.

11          (4) SECRETARY.—The term “Secretary” means  
12      the Secretary of the Interior.

13   **SEC. 4. ESTABLISHMENT OF BLACK CANYON OF THE GUN-**  
14                           **NISON NATIONAL PARK.**

15          (a) ESTABLISHMENT.—There is hereby established  
16      the Black Canyon of the Gunnison National Park in the  
17      State of Colorado as generally depicted on the map identi-  
18      fied in section 3. The Black Canyon of the Gunnison Na-  
19      tional Monument is hereby abolished as such, the lands  
20      and interests therein are incorporated within and made  
21      part of the new Black Canyon of the Gunnison National  
22      Park, and any funds available for purposes of the monu-  
23      ment shall be available for purposes of the park.

24          (b) ADMINISTRATION.—Upon enactment of this title,  
25      the Secretary shall transfer the lands under the jurisdic-

tion of the Bureau of Land Management which are identified on the map for inclusion in the park to the administrative jurisdiction of the National Park Service. The Secretary shall administer the park in accordance with this Act and laws generally applicable to units of the National Park System, including the Act entitled “An Act to establish a National Park Service, and for other purposes”, approved August 25, 1916 (16 U.S.C. 1, 2–4), and the Act entitled “An Act to provide for the preservation of historic American sites, buildings, objects, and antiquities of national significance, and for other purposes, approved August 21, 1935 (16 U.S.C. 461 et seq.).

(c) MAPS AND LEGAL DESCRIPTION.—As soon as practicable after the date of enactment of this Act, the Secretary shall file maps and a legal description of the park with the Committee on Energy and Natural Resources of the United States Senate and the Committee on Resources of the United States House of Representatives. Such maps and legal description shall have the same force and effect as if included in this Act, except that the Secretary may correct clerical and typographical errors in such legal description and maps. The maps and legal description shall be on file and available for public inspection in the appropriate offices of the National Park Service.

1       (d) WITHDRAWAL.—Subject to valid existing rights,  
2 all Federal lands within the park are hereby withdrawn  
3 from all forms of entry, appropriation, or disposal under  
4 the public land laws; from location, entry, and patent  
5 under the mining laws; and from disposition under all laws  
6 relating to mineral and geothermal leasing, and all amend-  
7 ments thereto.

8       (e) GRAZING.—(1)(A) Consistent with the require-  
9 ments of this subsection, including the limitation in para-  
10 graph (3), the Secretary shall allow the grazing of live-  
11 stock within the park to continue where authorized under  
12 permits or leases in existence as of the date of enactment  
13 of this Act. Grazing shall be at no more than the current  
14 level, and subject to applicable laws and National Park  
15 Service regulations.

16       (B) Nothing in this subsection shall be construed as  
17 extending grazing privileges for any party or their as-  
18 signee in any area of the park where, prior to the date  
19 of enactment of this Act, such use was scheduled to expire  
20 according to the terms of a settlement by the U.S. Claims  
21 Court affecting property incorporated into the boundary  
22 of the Black Canyon of the Gunnison National Monument.

23       (C) Nothing in this subsection shall prohibit the Sec-  
24 retary from accepting the voluntary termination of leases  
25 or permits for grazing within the park.

1       (2) Within areas of the park designated as wilder-  
 2       ness, the grazing of livestock, where authorized under per-  
 3       mits in existence as of the date of enactment of this Act,  
 4       shall be permitted to continue subject to such reasonable  
 5       regulations, policies, and practices as the Secretary deems  
 6       necessary, consistent with this Act, the Wilderness Act,  
 7       and other applicable laws and National Park Service regu-  
 8       lations.

9       (3) With respect to the grazing permits and leases  
 10       referenced in this subsection, the Secretary shall allow  
 11       grazing to continue, subject to periodic renewal, for a pe-  
 12       riod equal to the lifetime of the holder of the grazing per-  
 13       mit or lease as of the date of enactment of this Act.

14       **SEC. 5. ACQUISITION OF PROPERTY AND MINOR BOUND-**  
 15       **ARY ADJUSTMENTS.**

16       (a) ADDITIONAL ACQUISITIONS.—

17               (1) IN GENERAL.—The Secretary may acquire  
 18       land or interests in land depicted on the Map as pro-  
 19       posed additions.

20               (2) METHOD OF ACQUISITION.—

21                       (A) IN GENERAL.—Land or interests in  
 22       land may be acquired by—

23                               (i) donation;

24                               (ii) transfer;

1 (iii) purchase with donated or appro-  
 2 priated funds; or

3 (iv) exchange.

4 (B) CONSENT.—No land or interest in  
 5 land may be acquired without the consent of  
 6 the owner of the land.

7 (b) BOUNDARY REVISION.—After acquiring land for  
 8 the Park, the Secretary shall—

9 (1) revise the boundary of the Park to include  
 10 newly-acquired land within the boundary; and

11 (2) administer newly-acquired land subject to  
 12 applicable laws (including regulations).

13 (c) BOUNDARY SURVEY.—As soon as practicable and  
 14 subject to the availability of funds the Secretary shall com-  
 15 plete an official boundary survey of the Park.

16 (d) HUNTING ON PRIVATELY OWNED LANDS.—

17 (1) IN GENERAL.—The Secretary may permit  
 18 hunting on privately owned land added to the Park  
 19 under this Act, subject to limitations, conditions, or  
 20 regulations that may be prescribed by the Secretary.

21 (2) TERMINATION OF AUTHORITY.—On the  
 22 date that the Secretary acquires fee ownership of  
 23 any privately owned land added to the Park under  
 24 this Act, the authority under paragraph (1) shall



1 terminate with respect to the privately owned land  
2 acquired.

3 **SEC. 6. EXPANSION OF THE BLACK CANYON OF THE GUNNI-**  
4 **SON WILDERNESS.**

5 (a) EXPANSION OF BLACK CANYON OF THE GUNNI-  
6 SON WILDERNESS.—The Black Canyon of the Gunnison  
7 Wilderness, as established by subsection (b) of the first  
8 section of Public Law 94–567 (90 Stat. 2692), is ex-  
9 panded to include the parcel of land depicted on the Map  
10 as “Tract A” and consisting of approximately 4,419 acres.

11 (b) ADMINISTRATION.—The Black Canyon of the  
12 Gunnison Wilderness shall be administered as a compo-  
13 nent of the Park.

14 **SEC. 7. ESTABLISHMENT OF THE GUNNISON GORGE NA-**  
15 **TIONAL CONSERVATION AREA.**

16 (a) IN GENERAL.—There is established the Gunnison  
17 Gorge National Conservation Area, consisting of approxi-  
18 mately 57,725 acres as generally depicted on the Map.

19 (b) MANAGEMENT OF CONSERVATION AREA.—The  
20 Secretary, acting through the Director of the Bureau of  
21 Land Management, shall manage the Conservation Area  
22 to protect the resources of the Conservation Area in ac-  
23 cordance with—

24 (1) this Act;

1           (2) the Federal Land Policy and Management  
2       Act of 1976 (43 U.S.C. 1701 et seq.); and

3           (3) other applicable provisions of law.

4       (c) WITHDRAWAL.—Subject to valid existing rights,  
5 all Federal lands within the Conservation Area are hereby  
6 withdrawn from all forms of entry, appropriation or dis-  
7 posal under the public land laws; from location, entry, and  
8 patent under the mining laws; and from disposition under  
9 all laws relating to mineral and geothermal leasing, and  
10 all amendments thereto.

11       (d) HUNTING, TRAPPING AND FISHING.—

12           (1) IN GENERAL.—The Secretary shall permit  
13 hunting, trapping, and fishing within the Conserva-  
14 tion Area in accordance with applicable laws (includ-  
15 ing regulations) of the United States and the State  
16 of Colorado.

17           (2) EXCEPTION.—The Secretary, after con-  
18 sultation with the Colorado Division of Wildlife, may  
19 issue regulations designating zones where and estab-  
20 lishing periods when no hunting or trapping shall be  
21 permitted for reasons concerning—

22                   (A) public safety;

23                   (B) administration; or

24                   (C) public use and enjoyment.

1       (e) USE OF MOTORIZED VEHICLES.—In addition to  
2 the use of motorized vehicles on established roadways, the  
3 use of motorized vehicles in the Conservation Area shall  
4 be allowed—

5           (1) to the extent the use is compatible with off-  
6 highway vehicle designations as described in the  
7 management plan in effect on the date of enactment  
8 of this Act; or

9           (2) to the extent the use is practicable under a  
10 management plan prepared under this Act.

11       (f) CONSERVATION AREA MANAGEMENT PLAN.—

12           (1) IN GENERAL.—Not later than 4 years after  
13 the date of enactment of this Act, the Secretary  
14 shall—

15                   (A) develop a comprehensive plan for the  
16 long-range protection and management of the  
17 Conservation Area; and

18                   (B) transmit the plan to—

19                           (i) the Committee on Energy and  
20 Natural Resources of the Senate; and

21                           (ii) the Committee on Resources of  
22 the House of Representatives.

23           (2) CONTENTS OF PLAN.—The plan—

1 (A) shall describe the appropriate uses and  
2 management of the Conservation Area in ac-  
3 cordance with this Act;

4 (B) may incorporate appropriate decisions  
5 contained in any management or activity plan  
6 for the area completed prior to the date of en-  
7 actment of this Act;

8 (C) may incorporate appropriate wildlife  
9 habitat management plans or other plans pre-  
10 pared for the land within or adjacent to the  
11 Conservation Area prior to the date of enact-  
12 ment of this Act;

13 (D) shall be prepared in close consultation  
14 with appropriate Federal, State, county, and  
15 local agencies; and

16 (E) may use information developed prior to  
17 the date of enactment of this Act in studies of  
18 the land within or adjacent to the Conservation  
19 Area.

20 (g) BOUNDARY REVISIONS.—The Secretary may  
21 make revisions to the boundary of the Conservation Area  
22 following acquisition of land necessary to accomplish the  
23 purposes for which the Conservation Area was designated.

1 **SEC. 8. DESIGNATION OF WILDERNESS WITHIN THE CON-**  
2 **SERVATION AREA.**

3 (a) GUNNISON GORGE WILDERNESS.—

4 (1) IN GENERAL.—Within the Conservation  
5 Area, there is designated as wilderness, and as a  
6 component of the National Wilderness Preservation  
7 System, the Gunnison Gorge Wilderness, consisting  
8 of approximately 17,700 acres, as generally depicted  
9 on the Map.

10 (2) ADMINISTRATION.—

11 (A) WILDERNESS STUDY AREA EXEMP-  
12 TION.—The approximately 300-acre portion of  
13 the wilderness study area depicted on the Map  
14 for release from section 603 of the Federal  
15 Land Policy and Management Act of 1976 (43  
16 U.S.C. 1782) shall not be subject to section  
17 603(c) of that Act.

18 (B) INCORPORATION INTO NATIONAL CON-  
19 SERVATION AREA.—The portion of the wilder-  
20 ness study area described in subparagraph (A)  
21 shall be incorporated into the Conservation  
22 Area.

23 (b) ADMINISTRATION.—Subject to valid rights in ex-  
24 istence on the date of enactment of this Act, the wilder-  
25 ness areas designated under this Act shall be administered  
26 by the Secretary in accordance with the Wilderness Act

1 (16 U.S.C. 1131 et seq.) except that any reference in such  
2 provisions to the effective date of the Wilderness Act shall  
3 be deemed to be a reference to the effective date of this  
4 Act and any reference to the Secretary of Agriculture shall  
5 be deemed to be a reference to the Secretary of the Inte-  
6 rior.

7 (c) STATE RESPONSIBILITY.—As provided in section  
8 4(d)(7) of the Wilderness Act (16 U.S.C. 1133(d)(7)),  
9 nothing in this Act or in the Wilderness Act shall affect  
10 the jurisdiction or responsibilities of the State of Colorado  
11 with respect to wildlife and fish on the public land located  
12 in that State.

13 (d) MAPS AND LEGAL DESCRIPTIONS.—As soon as  
14 practicable after the date of enactment of this section, the  
15 Secretary of the Interior shall file a map and a legal de-  
16 scription of the Gunnison Gorge Wilderness with the Com-  
17 mittee on Energy and Natural Resources of the United  
18 States Senate and the Committee on Resources of the  
19 United States House of Representatives. This map and  
20 description shall have the same force and effect as if in-  
21 cluded in this Act. The Secretary of the Interior may cor-  
22 rect clerical and typographical errors in the map and legal  
23 description. The map and legal description shall be on file  
24 and available in the office of the Director of the BLM.

1 **SEC. 9. WITHDRAWAL.**

2 Subject to valid existing rights, the Federal lands  
3 identified on the Map as “BLM Withdrawal (Tract B)”  
4 (comprising approximately 1,154 acres) are hereby with-  
5 drawn from all forms of entry, appropriation or disposal  
6 under the public land laws; from location, entry, and pat-  
7 ent under the mining laws; and from disposition under all  
8 laws relating to mineral and geothermal leasing, and all  
9 amendments thereto.

10 **SEC. 10. WATER RIGHTS.**

11 (a) EFFECT ON WATER RIGHTS.—Nothing in this  
12 Act shall—

13 (1) constitute an express or implied reservation  
14 of water for any purpose; or

15 (2) affect any water rights in existence prior to  
16 the date of enactment of this Act, including any  
17 water rights held by the United States.

18 (b) ADDITIONAL WATER RIGHTS.—Any new water  
19 right that the Secretary determines is necessary for the  
20 purposes of this Act shall be established in accordance  
21 with the procedural and substantive requirements of the  
22 laws of the State of Colorado.

23 **SEC. 11. STUDY OF LANDS WITHIN AND ADJACENT TO**  
24 **CURECANTI NATIONAL RECREATION AREA.**

25 (a) IN GENERAL.—Not later than 3 years after the  
26 date of enactment of this Act, the Secretary, acting

1 through the Director of the National Park Service, shall  
2 conduct a study concerning land protection and open space  
3 within and adjacent to the area administered as the  
4 Curecanti National Recreation Area.

5 (b) PURPOSE OF STUDY.—The study required to be  
6 completed under subsection (a) shall—

7 (1) assess the natural, cultural, recreational  
8 and scenic resource value and character of the land  
9 within and surrounding the Curecanti National  
10 Recreation Area (including open vistas, wildlife habi-  
11 tat, and other public benefits);

12 (2) identify practicable alternatives that protect  
13 the resource value and character of the land within  
14 and surrounding the Curecanti National Recreation  
15 Area;

16 (3) recommend a variety of economically fea-  
17 sible and viable tools to achieve the purposes de-  
18 scribed in paragraphs (1) and (2); and

19 (4) estimate the costs of implementing the ap-  
20 proaches recommended by the study.

21 (c) SUBMISSION OF REPORT.—Not later than 3 years  
22 from the date of enactment of this Act, the Secretary shall  
23 submit a report to Congress that—

24 (1) contains the findings of the study required  
25 by subsection (a);



1           (2) makes recommendations to Congress with  
 2       respect to the findings of the study required by sub-  
 3       section (a); and

4           (3) makes recommendations to Congress re-  
 5       garding action that may be taken with respect to the  
 6       land described in the report.

7       (d) ACQUISITION OF ADDITIONAL LAND AND INTER-  
 8       ESTS IN LAND.—

9           (1) IN GENERAL.—Prior to the completion of  
 10      the study required by subsection (a), the Secretary  
 11      may acquire certain private land or interests in land  
 12      as depicted on the Map entitled ‘Proposed Additions  
 13      to the Curecanti National Recreation Area,’ dated  
 14      01/25/99, totaling approximately 1,065 acres and  
 15      entitled ‘Hall and Fitti properties’.

16          (2) METHOD OF ACQUISITION.—

17           (A) IN GENERAL.—Land or an interest in  
 18      land under paragraph (1) may be acquired by—

19                   (i) donation;

20                   (ii) purchase with donated or appro-  
 21                   priated funds; or

22                   (iii) exchange.

23           (B) CONSENT.—No land or interest in  
 24      land may be acquired without the consent of  
 25      the owner of the land.

1 (C) BOUNDARY REVISIONS FOLLOWING AC-  
2 QUISTION.—Following the acquisition of land  
3 under paragraph (1), the Secretary shall—

4 (i) revise the boundary of the  
5 Curecanti National Recreation Area to in-  
6 clude newly-acquired land; and

7 (ii) administer newly-acquired land ac-  
8 cording to applicable laws (including regu-  
9 lations).

10 **SEC. 12. AUTHORIZATION OF APPROPRIATIONS.**

11 There are authorized to be appropriated such sums  
12 as are necessary to carry out this Act.

Passed the Senate July 1, 1999.

Attest:

GARY SISCO,  
*Secretary.*